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**From:** Galbraith, Michael [Galbraith.Michael@epa.gov]  
**Sent:** 8/18/2017 3:42:01 PM  
**To:** Langlois-Miller, Christina [Langlois-Miller.Christina@epa.gov]  
**CC:** Atagi, Tracy [Atagi.Tracy@epa.gov]; Young, Jessica [Young.Jessica@epa.gov]; Gaines, Jeff [Gaines.Jeff@epa.gov]; Gerhard, Sasha [Gerhard.Sasha@epa.gov]; Shuster, Kenneth [Shuster.Kenneth@epa.gov]; Kohler, Amanda [Kohler.Amanda@epa.gov]  
**Subject:** Re: update/prep for DOT call FW: Agenda-Subpart X Call (August 3) (12 pm - 1:30pm EST)

thank you! I had briefly talked to greg about this a while back and at the time I didn't fully understand everything.

Your email explaining this is extremely helpful, and will help us as we continue to assess proper regulation of fireworks.

Mike Galbraith  
Permits Branch (5303P)  
Program Implementation/Information Division  
Office of Resource Conservation and Recovery  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

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**From:** Langlois-Miller, Christina  
**Sent:** Friday, August 18, 2017 10:55 AM  
**To:** Galbraith, Michael; Brauer, Sue  
**Cc:** Kohler, Amanda; Atagi, Tracy; Shuster, Kenneth; Gerhard, Sasha; Fagnant, Daniel; Young, Jessica; LaShier, Rich  
**Subject:** RE: update/prep for DOT call FW: Agenda-Subpart X Call (August 3) (12 pm - 1:30pm EST)

It is somewhat difficult to find information on this now, but here is my understanding:

DOT updated their hazard classes I believe ~1990 from lettered classes to numbered classes consistent with UN and DoD hazard classes. At the time, EPA had included the lettered classes as part of the reactivity reg text. 261.23(a)(8) stated that DOT class A and B explosives were considered reactive. When DOT made the change, there wasn't a clear 1:1 relationship between the old lettered classes and the new numbered classes, because the definitions of the classes changed somewhat. This led to some confusion about which classes were considered reactive.

In 1988, EPA released two memos about this that seem somewhat conflicting now. The first one:  
[https://yosemite.epa.gov/osw/rcra.nsf/0c994248c239947e85256d090071175f/4CB1877415C8890E8525670F006C1395/\\$file/13194.pdf](https://yosemite.epa.gov/osw/rcra.nsf/0c994248c239947e85256d090071175f/4CB1877415C8890E8525670F006C1395/$file/13194.pdf)

9443.1988(07) DISCARDED CLASS C EXPLOSIVES OFFICE OF SOLID ...

yosemite.epa.gov

RO 13194 9443.1988(07) DISCARDED CLASS C EXPLOSIVES OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE  
June 6, 1988 MEMORANDUM SUBJECT: Classification of Discarded Class C ...

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Said that DOT Class C explosives (now 1.4) are reactive unless they are small caliber ammunition.

The second one a few months later:

[https://yosemite.epa.gov/osw/rcra.nsf/0c994248c239947e85256d090071175f/067EDD377E71AD1E8525670F006C13A0/\\$file/13223.pdf](https://yosemite.epa.gov/osw/rcra.nsf/0c994248c239947e85256d090071175f/067EDD377E71AD1E8525670F006C13A0/$file/13223.pdf) said that DoD classes 1.1, 1.2, and 1.3 are reactive, and 1.4 is not reactive. At the time, these classes were different from the DOT classes, but now they are the same.

9443.1988(10) REACTIVE WASTE - EXPLOSIVITY MEMORANDUM DATE ...

yosemite.epa.gov

RO 13223 9443.1988(10) REACTIVE WASTE - EXPLOSIVITY MEMORANDUM DATE: September 8, 1988 SUBJECT: Definition of Reactive Waste - Explosivity

The memos do not contain much information on the reasons behind these statements, unfortunately. But I suspect that some of the seeming conflicting guidance stems from the fact that the memo authors were looking at different parts of the reactivity regulations. The first memo may have been more focused on 261.23(a)(6), while the second memo may have been more focused on 261.23(a)(8). It is hard to tell.

In any case, just because a material doesn't meet 261.23(a)(8) (i.e., DOT class 1.4 materials), doesn't mean it can't meet 261.23(a)(6). In speaking with our HW characteristics expert, Greg Helms, the current position is that we would not make a blanket statement about Class 1.4 materials NOT being reactive, because they would need to be evaluated on a material-specific basis to see if they meet other parts of the reactivity definition.

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**From:** Galbraith, Michael

**Sent:** Friday, August 18, 2017 10:22 AM

**To:** Brauer, Sue <brauer.sue@epa.gov>

**Cc:** Kohler, Amanda <Kohler.Amanda@epa.gov>; Atagi, Tracy <Atagi.Tracy@epa.gov>; Shuster, Kenneth <Shuster.Kenneth@epa.gov>; Gerhard, Sasha <Gerhard.Sasha@epa.gov>; Langlois-Miller, Christina <Langlois-Miller.Christina@epa.gov>; Fagnant, Daniel <fagnant.daniel@epa.gov>; Young, Jessica <Young.Jessica@epa.gov>; LaShier, Rich <LaShier.Rich@epa.gov>

**Subject:** Re: update/prep for DOT call FW: Agenda-Subpart X Call (August 3) (12 pm - 1:30pm EST)

Sue - I think the memo I was thinking of regarding DOT hazard classes is the one linked below. Don't think its relevant to airbags. V

**Deliberative Process / Ex. 5**

**Deliberative Process / Ex. 5**

[https://yosemite.epa.gov/osw/rcra.nsf/b36c11f3e4ba870485256d0900711760/067EDD377E71AD1E8525670F006C13A0/\\$file/13223.pdf](https://yosemite.epa.gov/osw/rcra.nsf/b36c11f3e4ba870485256d0900711760/067EDD377E71AD1E8525670F006C13A0/$file/13223.pdf)

Mike Galbraith  
Permits Branch (5303P)  
Program Implementation/Information Division  
Office of Resource Conservation and Recovery

ED\_001691B\_00006813

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1200 Pennsylvania Avenue, NW  
Washington, DC 20460

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**From:** Galbraith, Michael

**Sent:** Thursday, August 17, 2017 4:53 PM

**To:** Brauer, Sue

**Cc:** Kohler, Amanda; Atagi, Tracy; Shuster, Kenneth; Gerhard, Sasha; Langlois-Miller, Christina; Fagnant, Daniel; Young, Jessica

**Subject:** Re: update/prep for DOT call FW: Agenda-Subpart X Call (August 3) (12 pm - 1:30pm EST)

Sue - i should have time to look into this more tomorrow. I believe someone, at some point, looked into whether there were permitted commercial facilities that may be able to take energetic waste such as airbags. Don't think the dod facilities can take off-site waste from non-dod facilities.

Not sure why general dynamics did not come up in your query - they are not obod but have a permitted incinerator capable of taking reactive wastes (i think they specialize in that). There was also one permitted non-dod obod site (could be the clean harbors site you referenced, but for some reason i thought that site was in LA, not NE - i could be getting the sites confused.). I also thought another commercial incinerator may be able to take these (veolia maybe?)

Regarding dot class, the only context i heard about hazardous class impacting whether something is hazardous waste is with consumer fireworks. But the hazard class shouldn't necessarily directly impact whether we think it is a hazardous waste. If we already determined the airbags are reactive, then it doesn't matter what the hazard class is (i guess it could impact DOT requirements though).

I'll send you the only policy memo i know about on hazard classes and whether something may be considered reactive tomorrow (that memo is old, and addressed only consumer fireworks, and i don't think that memo definitively said if it is say hazard class 1.4 g, it is or is not a hazardous waste.).

There's others in the office that know more about this than me, so i'm cc'ing a bunch of other folks.

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Permits Branch (5303P)  
Program Implementation/Information Division  
Office of Resource Conservation and Recovery  
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1200 Pennsylvania Avenue, NW  
Washington, DC 20460

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**From:** Brauer, Sue

**Sent:** Thursday, August 17, 2017 3:50 PM

**To:** Galbraith, Michael

**Subject:** update/prep for DOT call FW: Agenda-Subpart X Call (August 3) (12 pm - 1:30pm EST)

Mike, I'm forwarding one of the emails I mentioned. Do you have a list of facilities that can accept off-site D001 and D003 hazardous waste? Has someone in HQ already done this query in the airbag disposal context? Tyler Patterson of DOT wants to know consequences of changing the DOT classification of recalled inflators

from Class 9 to Class 1. He had heard that EPA's hazardous waste requirements are heavily dependent on DOT hazardous material classes.

I emailed Terri Crosby-Vega about a list of facilities with OBOD permits and have not heard back yet. I found DOD Army munition OBOD sites online. I presume those can only receive military munitions, not recalled gas generators.

I tried searching in RCRAInfo but the only "hit" was a Clean Harbors facility in Nebraska, not even the General Dynamics/EBV RCRA permitted unit in Carthage, Missouri.

Jim Blough told me that he thought HW incinerators in Sauget, IL and East Liverpool, Ohio might accept the gas generators.

Sue Brauer

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**From:** Brauer, Sue  
**Sent:** Friday, August 04, 2017 11:53 AM  
**To:** Blough, James <[Blough.James@epa.gov](mailto:Blough.James@epa.gov)>  
**Subject:** RE: Agenda-Subpart X Call (August 3) (12 pm - 1:30pm EST)

Thank you, Jim.

I called Terri and left a msg. I've been in touch with her before. She's on my Takata contact list and has been very helpful.

FYI, I'm doing inspections in Michigan next week so will be out of the office.

Sue

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**From:** Blough, James  
**Sent:** Thursday, August 03, 2017 7:25 PM  
**To:** Brauer, Sue <[brauer.sue@epa.gov](mailto:brauer.sue@epa.gov)>  
**Subject:** FW: Agenda-Subpart X Call (August 3) (12 pm - 1:30pm EST)

Sue

Here are the notes from the meeting and I am sure the interns can help you with the information you asked for. If you do get the list could you send me a copy.

Jim

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**From:** Crosby-Vega, Terri  
**Sent:** Thursday, August 03, 2017 12:24 PM  
**To:** Shuster, Kenneth <[Shuster.Kenneth@epa.gov](mailto:Shuster.Kenneth@epa.gov)>; Galbraith, Michael <[Galbraith.Michael@epa.gov](mailto:Galbraith.Michael@epa.gov)>; Kohler, Amanda <[Kohler.Amanda@epa.gov](mailto:Kohler.Amanda@epa.gov)>; Gaines, Jeff <[Gaines.Jeff@epa.gov](mailto:Gaines.Jeff@epa.gov)>; King, Toshia <[King.Toshia@epa.gov](mailto:King.Toshia@epa.gov)>; Gerhard, Sasha <[Gerhard.Sasha@epa.gov](mailto:Gerhard.Sasha@epa.gov)>; Hansen, Gail <[Hansen.Gail@epa.gov](mailto:Hansen.Gail@epa.gov)>; Colon, Lilybeth <[Colon.Lilybeth@epa.gov](mailto:Colon.Lilybeth@epa.gov)>; Yee, Stephen <[Yee.Steve@epa.gov](mailto:Yee.Steve@epa.gov)>; Everett, Adolph

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**Subject:** RE: Agenda-Subpart X Call (August 3) (12 pm - 1:30pm EST)

*I just wanted to pass on some of my cryptic notes from today's call for anyone that may have missed it.*

Attendance on the call: HQ, R1, R2, NY, NJ, R3, MD, R4, FL KY, R5, OH, R6, OK, LA, KS, MO, SD, ND, R9, WI, CA,

Agenda

**Headquarters' Update**-Newspaper articles, ICE, NAS, DDESB

Series of articles *ProPublica* July 20-2 articles discussing Radford, Clean Harbors, and contamination around the country.

Interagency Committee on Explosives-next meeting is on Dec. 6 and will provide an update on what we are doing.

National Academy of Science-kick off meeting Aug. 22-23 will provide EPA update. Talking points will be on permitting universe, contamination, issues with OB/OD...

Department of Defense Explosive Safety Board- requested to meet and discuss issues. Meeting may be scheduled in September.

Draft Radford Drone Report- received an unofficial copy of the report. Initial review indicated possible issues with the report.

**Headquarters**-Permit information for explosives that involve Subpart X units other than OB/OD

Question for the workgroup that have permitted alternate treatment units, Hawthorne, Crane, Radford, Milan, Picatinny, others.... Technology? Where? What waste? ...DDESB approved? These two lists will support alternate technologies for our project. *Send Terri Crosby-Vega information on: units that have been permitted; the wastes handled at the units; and any reports received on possible alternatives.*

**Intern Project**- We will be using the PowerPoint during their update/summary

203 facilities were identified in 34 states. The facilities were placed into 4 categories.

Information was requested from the states. 69% feedback for information on OB/OD facilities.

EPA will be taking the intern project and continuing with the work through a contractor report in the future to assist us with our overall mission to "Explore ways to better manage certain explosive wastes and reduce contamination from OB/OD operations."

**Next call will be on September 7.**

Harry Craig presenting on "MIS/ISM Sampling for the Umatilla Army Depot." EPA HQ should have a lot of updates for the call including our Team Retreat information and the NAS meeting, and more...

**Terri Crosby-Vega**

**Environmental Engineer**

USEPA Region 4

Atlanta Federal Center 9T25

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404-562-8497

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**From:** Crosby-Vega, Terri

**Sent:** Thursday, August 03, 2017 9:21 AM

**To:** Shuster, Kenneth <[Shuster.Kenneth@epa.gov](mailto:Shuster.Kenneth@epa.gov)>; Galbraith, Michael <[Galbraith.Michael@epa.gov](mailto:Galbraith.Michael@epa.gov)>; Kohler,

Amanda <Kohler.Amanda@epa.gov>; Gaines, Jeff <Gaines.Jeff@epa.gov>; King, Toshia <King.Toshia@epa.gov>; Gerhard, Sasha <Gerhard.Sasha@epa.gov>; Hansen, Gail <Hansen.Gail@epa.gov>; Colon, Lilybeth <Colon.Lilybeth@epa.gov>; Yee, Stephen <Yee.Steve@epa.gov>; Everett, Adolph <Everett.Adolph@epa.gov>; Azzam, Nidal <Azzam.Nidal@epa.gov>; Park, Andy <Park.Andy@epa.gov>; Brogard, John <Brogard.John@epa.gov>; Ferreira, Gina <Ferreira.Gina@epa.gov>; Torres, Ramon <Torres.Ramon@epa.gov>; Salgado, Angel <Salgado.Angel@epa.gov>; Negron, Luis <Negron.Luis@epa.gov>; 'John.Scott@dep.state.nj.us' <John.Scott@dep.state.nj.us>; Zafar.Billah@dep.state.nj.us; 'evan.aleksejczyk@dep.nj.gov' <evan.aleksejczyk@dep.nj.gov>; 'Jennifer.Meyer@dep.state.nj.us' <Jennifer.Meyer@dep.state.nj.us>; 'Anthony.Fontana@dep.nj.gov' <Anthony.Fontana@dep.nj.gov>; 'michelle.ching@dec.ny.gov' <michelle.ching@dec.ny.gov>; tjkillie\_gw.dec.state.ny.us <tjkillie@gw.dec.state.ny.us>; Mirro, Rachel <mirro.rachel@epa.gov>; Matyskiela, Linda <Matyskiela.Linda@epa.gov>; pizarro, luis <pizarro.luis@epa.gov>; Hall, Kristen <hall.kristen@epa.gov>; Kinslow, Sara <Kinslow.Sara@epa.gov>; 'Ed.Hammerberg@maryland.gov' <Ed.Hammerberg@maryland.gov>; 'Albert.Simkins@maryland.gov' <Albert.Simkins@maryland.gov>; 'dimcdaniel@pa.gov' <dimcdaniel@pa.gov>; 'ovazquez-m@pa.gov' <ovazquez-m@pa.gov>; 'lhouseal@pa.gov' <lhouseal@pa.gov>; 'jsmathers@pa.gov' <jsmathers@pa.gov>; vutran\_pa.gov <vutran@pa.gov>; leslie.romanchik@deq.virginia.gov; 'Ashby.Scott@deq.virginia.gov' <Ashby.Scott@deq.virginia.gov>; Housley, Denise <Housley.Denise@epa.gov>; Newman, Alan <Newman.Alan@epa.gov>; McKeePerez, Nancy <McKeePerez.Nancy@epa.gov>; Danois, Héctor <Danois.Hector@epa.gov>; Gilliland, Houston <Gilliland.Houston@epa.gov>; Watson, Sarah <Watson.Sarah@epa.gov>; Greaney, Kevin <greaney.kevin@epa.gov>; Singh, Harbhajan <Singh.Harbhajan@epa.gov>; 'CStrickland@adem.alabama.gov' <CStrickland@adem.alabama.gov>; 'Baker, Bryan' <Bryan.Baker@dep.state.fl.us>; 'Dawn.Cinquino@dep.state.fl.us' <Dawn.Cinquino@dep.state.fl.us>; 'Samuel.Hankinson@dep.state.fl.us' <Samuel.Hankinson@dep.state.fl.us>; 'Russell, Merlin' <Merlin.Russell@dep.state.fl.us>; chad.r.stevens@dep.state.fl.us; 'Camille.Stein@dep.state.fl.us' <Camille.Stein@dep.state.fl.us>; 'Ashanti.McBride@dep.state.fl.us' <Ashanti.McBride@dep.state.fl.us>; 'Susan.Eason@dnr.ga.gov' <Susan.Eason@dnr.ga.gov>; 'Amy.potter@dnr.ga.gov' <Amy.potter@dnr.ga.gov>; April.Webb@ky.gov; 'heather.alexander\_ky.gov' <Heather.Alexander@ky.gov>; 'Edward.Malone@ky.gov' <Edward.Malone@ky.gov>; 'johnc.combs@ky.gov' <johnc.combs@ky.gov>; 'shaina.khan@ky.gov' <shaina.khan@ky.gov>; 'Todd.Powers@ky.gov' <Todd.Powers@ky.gov>; 'Higginbotham, Jeri (EEC)' <Jeri.Higginbotham@ky.gov>; 'Daniel.Walker@ky.gov' <Daniel.Walker@ky.gov>; 'Burton, Dale (EEC)' <Dale.Burton@ky.gov>; 'George.Partridge@ky.gov' <George.Partridge@ky.gov>; 'Albert.Frakes\_tn.gov' <Albert.Frakes@tn.gov>; 'Jamie.Burroughs\_tn.gov' <Jamie.Burroughs@tn.gov>; Blough, James <Blough.James@epa.gov>; Ramanauskas, Peter <ramanauskas.peter@epa.gov>; Lee, Jae <lee.jae@epa.gov>; 'QUACKENBUSHP@michigan.gov' <QUACKENBUSHP@michigan.gov>; 'PBANSCH@idem.IN.gov' <PBANSCH@idem.IN.gov>; 'Bradley.mitchell@epa.ohio.gov' <Bradley.mitchell@epa.ohio.gov>; 'David.Panofsky@Wisconsin.gov' <David.Panofsky@Wisconsin.gov>; Hendrickson, Charles <hendrickson.charles@epa.gov>; Fruitwala, Kishor <Fruitwala.Kishor@epa.gov>; 'Donelson.Caffery@la.gov' <Donelson.Caffery@la.gov>; lina.saale@la.gov; 'Ricardo.Maestas@state.nm.us' <Ricardo.Maestas@state.nm.us>; 'Siona.Briley@state.nm.us' <Siona.Briley@state.nm.us>; 'jon.fields@deq.ok.gov' <jon.fields@deq.ok.gov>; Herstowski, Ken <Herstowski.Ken@epa.gov>; 'RFlanary@kdheks.gov' <RFlanary@kdheks.gov>; rich.nussbaum@dnr.mo.gov; bill.fanska\_dnr.mo.gov <bill.fanska@dnr.mo.gov>; Jalal.el-jayyousi@dnr.mo.gov; 'Siew.Kour@nebraska.gov' <Siew.Kour@nebraska.gov>; morgan.leibrandt@nebraska.gov; Newland, Jesse <Newland.Jesse@epa.gov>; 'Anderson - CDPHE, Deb' <deb.anderson@state.co.us>; cerickso@nd.gov; 'Christensen, Kevin' <Kevin.Christensen@state.sd.us>; 'cindi.martinez@wyo.gov' <cindi.martinez@wyo.gov>; 'Jerry.Breed@wyo.gov' <Jerry.Breed@wyo.gov>; Zabaneh, Mahfouz <Zabaneh.Mahfouz@epa.gov>; Cruz, Amanda <cruz.amanda@epa.gov>; Gross, Barbara <Gross.Barbara@epa.gov>; 'Deming.Diana@azdeq.gov' <Deming.Diana@azdeq.gov>; Leverock.Anthony@azdeq.gov; 'mike.eshaghian@dtsc.ca.gov' <mike.eshaghian@dtsc.ca.gov>; Edward.Nieto\_dtsc.ca.gov <Edward.Nieto@dtsc.ca.gov>; 'ed.walker@dtsc.ca.gov' <ed.walker@dtsc.ca.gov>; 'Yujie.Jin@dtsc.ca.gov' <Yujie.Jin@dtsc.ca.gov>;

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**Subject:** Agenda-Subpart X Call (August 3) (12 pm - 1:30pm EST)

## Agenda

**Headquarters' Update**-Newspaper articles, ICE, NAS, DDESB

**Headquarters**-Permit information for explosives that involve Subpart X units other than OB/OD

**Intern Project** (PowerPoint attached)- We will be using the PowerPoint during their update/summary

I have also attached an email as a follow-up to last month's call.

### Call-in information

- Date/time: Thursday, August 3; 12:00 to 1:30, eastern time
- Call-in #:
- Code: 

Conference Line/Code / Ex. 6
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Thanks!

**Terri Crosby-Vega**  
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